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EXAMINER
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FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
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2617

NOTIFICATION DATE	DELIVERY MODE
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09/23/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/822,092	<b>Applicant(s)</b> BRUNET ET AL.	
	<b>Examiner</b> Marisol Figueroa	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14 and 16-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 16-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed on 7/7/2008 have been fully considered but they are not persuasive.

The Applicant basically argues that nowhere in Davenport teaches or suggests the limitations of wherein the hardware vendors and software application developers obtain statistics on a number of mobile devices with a particular installed software (see page 8, line 3-page 9, lines 1-10 of Applicant's arguments).

The Examiner respectfully disagrees, Davenport teaches these particular limitations in paragraph [0014]. Davenport teaches in paragraph [0014] that his invention enables a software manufacturer (i.e., vendor and software application developer) to gain statistics about the usage of an application (i.e., particular software) across the application's entire user population (i.e., number of devices with a particular software) to improve products to better facilitate the actual usage. Furthermore, the abstract suggests that the software manufacturer obtains this particular information from a database system, for example, the abstract teaches the a server environment (i.e., database system) summarize the statistical information about a software so that the software manufacturer can better know how its software product is used across a user population.

Furthermore, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (see page 9 of Applicant's arguments), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not

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include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8, 10-20, 22, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over RIGNELL et al. (US 2001/0053688 A1) in views of MARRAN (US 6,549,770 B1), LAWRENCE (WO 98/38823), PICKOVER et al. (US 2002/0116665 A1), and DAVENPORT (US 2002/0198976 A1).

**Regarding claim 1**, Rignell discloses a method of providing customer care within a mobile care framework (p.0084), comprising:

capturing device profile data over-the-air from a device agent (paragraphs [0102]-[0104]) within a mobile device (paragraphs [0024]-[0028], [0038]-[0049], [0077]-[0078], and [0080]; a support request message is generated by a mobile unit containing device profile data (e.g. unit settings/parameters, soft-, hard- and firmware modules, unit identification, etc.), and is transmitted over the air to a remote support location where the message is monitored and/or displayed to at least one service/support person), the device profile data comprising user-specific and device-specific data (paragraphs [0038]-[0049]; the profile data contained in the support message comprises information regarding the user (i.e., user-specific data) such as hardware/physical/functional units/modules that are or have been connected, model make, etc.

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(paragraphs [0048]-[0049]) and information regarding the device (i.e., device-specific data) such as at least one version number of software, hardware, firmware, etc. in the communications unit (paragraphs [0044] and [0047]));

correlating the device profile data to a database of known mobile device issues and associated solutions to the mobile device issues to identify a solution for the mobile device (paragraphs [0080]-[0082], [0091], and [0106]; the support location access one or more databases on the basis of the information received from the mobile device to generate a solution enabling the solving of the problems of the mobile unit; it is inherent to recognize that a correlating step is implicit because a solution for the problems is generated according to information included in the support request); and

forwarding to the mobile device over-the-air the solution identified for execution by the device agent (paragraphs [0081]-[0085], and [0093]; support information solving the problem(s) of the mobile unit is generated and provided to the mobile unit), wherein the device agent is programmed to capture the device profile data (paragraph [0077]-[0078], and [0102]-[0103]; the mobile unit has means, i.e., microprocessor/device agent, which generates a support message containing the profile data, it is inherent that the microprocessor is programmed to capture the profile data of the mobile unit that is included in the support request message) and execute the solution on the mobile device (paragraphs [0031], [0081]-[0085], and [0093]; the mobile unit automatically updates its settings and parameters with the solution received from the remote support location; it is implied that a component in the device such as the microprocessor implements these new settings).

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But, Rignell does not particularly disclose wherein a programmed analytics engine is used for identifying the solutions for the mobile device issues.

However, in the same field of endeavor, Marran teaches a programmed analytics engine capable of identifying solutions for mobile device issues (Abstract; col. 4, line 16 – col. 5, lines 1-11; col. 7, lines 37-45; col. 8, line 29 – col. 9, lines 1-15; Marran teaches a system comprising an intelligent/expert system (i.e., analytics engine) with which digital devices (i.e., mobile devices) communicates, and is configured to processes complex inputs, discovers problems from the complex inputs, and formulates individualized solutions for discovered problems; also, the intelligent system searches the wireless digital communications network for, and retrieves, the necessary data for solving the discovered problems and directly downloads (automatically) the necessary data to the subscriber's mobile digital device over-the-air). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Rignell to include (at the support location) an analytics engine programmed to identify solutions for the mobile device issues, as suggested by Marran, since such a modification would automate the procedure of maintaining digital telephones up to date given that the analytics engine (i.e., expert system) automatically pushes downloads to subscriber's digital telephone when needed, keep pace with current changes and constantly search for recognized events and decides what particular mobile devices require provisioning, repairs, etc. (col. 4, lines 15-19; col. 5, lines 31-45; col. 8, lines 29-35, 52-56), as a result mobile digital devices are more efficiently managed.

But, the combination of Rignell and Marran does not expressly disclose the step of matching the device profile data to a customer profile, the customer profile including a profile history.

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However, Lawrence teaches a system for diagnosing a problem related to the use of a wireless communication device that matches device profile data to a customer profile, the customer profile including a profile history (pages 16-17; a customer service system retrieves the customer's complete record which typically contain account, service, and complaint history information, according to a subscriber number (i.e., profile information) and looks up information that leads to a resolution of the device problem). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination of Rignell and Marran to include the step of matching the device profile data to a customer profile, the customer profile including a profile history, as suggested by Lawrence, since such a modification would provide the best appropriate solution that leads to the resolution of the device problems.

Furthermore, Rignell discloses wherein the database includes updates or patches that match problem criteria of the mobile device issues (paragraphs [0081]-[0084]; the remote support location accesses a database and generates support information for the mobile device that may include patches or updated versions of current software).

But, the combination of Rignell, Marran, and Lawrence does not particularly disclose the step of receiving from software application developers, the updates and patches that match the problem criteria of the mobile device issues.

However, Pickover teaches a system wherein a database receives from software application developers, updates and patches that match the problem criteria of mobile device issues (paragraphs [0026]-[0027], [0032]-[0033], [0047], [0050]-[0059]; Pickover teaches a system in which a user device (i.e., mobile device) forwards to a controller (i.e., service

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provider) information about detected errors in a software, and the controller uses the information to identify a patch for the error, the controller stores the patches received from one or more software manufacturers (i.e., developers) and vendors, and the vendor and manufacturers share information with the controller to ensure that the controller has up to date information regarding all the patches and fixes for the software errors). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the step of receiving from software application developers, the updates and patches that match the problem criteria of the mobile device issues, as suggested by Pickover, since such a modification would provide the advantage that the database will have the most up to date information regarding patches and fixes made available by software developers (i.e., manufacturers).

In addition, the combination does not particularly disclose further comprising, allowing hardware vendors and the software application developers to query the database and obtain statistics on a number of mobile devices with a particular installed software.

However, Davenport teaches a system that allows vendors and software developers to obtain statistics on a number of mobile devices with a particularly installed software (paragraph [0014]; the invention enables manufacturers (i.e., software developers/vendors) to gain access to statistics about the usage of an application across the application's entire user population). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of allowing vendors and software developers to obtain statistics on a number of mobile devices with a particularly installed software, as suggested by Davenport, since such a modification would allow the



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vendors and software developers to respond to actual customer usage and improve products to better facilitate usage of the software.

**Regarding claim 2**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 1, in addition Pickover discloses further comprising, allowing hardware vendors and the software application developers to access the database and provide fixes for bugs in software for the mobile device (paragraphs [0026]-[0027] and [0047]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include further comprising, allowing hardware vendors and the software application developers to access the database and provide fixes for bugs in software for the mobile device, as suggested by Pickover, since such a modification would provide the advantage that the database will have the most up to date information regarding patches and fixes made available by the software developers and vendors.

**Regarding claim 4**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 1, in addition Rignell discloses wherein the capturing step comprises reading device profile data selected from the group consisting of configuration settings, resident applications, and diagnostic data (paragraphs [0038]-[0049], and [0077]).

**Regarding claim 5**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 4, in addition Rignell discloses wherein the diagnostic data comprises diagnostic data selected from the group consisting of make and model of the device, total and available memory, total and available storage, battery life, connection strength, connection settings, user requests, usage statistics, soft reset count, recently used applications, memory heap (paragraph [0077]; e.g., make and model number, status of the mobile unit, etc.).

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**Regarding claim 8**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 1, in addition Rignell discloses wherein the correlating step comprises automatically selecting one or more solutions from among available application or firmware updates, configuration settings, problem resolutions, and user interface configurations (paragraphs [0081]-[0084]; the support information solving the problems of the mobile unit is generated on the basis of the information received from the mobile unit, and include the correct settings, updated versions of current and/or firmware modules, patches, etc., that would solve the mobile unit's problem).

**Regarding claim 10**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 1, in addition Rignell discloses wherein the method is performed at the request of a user of the mobile device (paragraphs [0024]-[0025], and [0029] - lines 1-4).

**Regarding claim 11**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 1, in addition Rignell discloses wherein the method is performed as a scheduled event automatically by the device agent (paragraphs [0024], [0027]-[0029], [0074]-[0076]; a support request from the mobile unit may be generated at any internal event like a timer event or status check performed at regular intervals).

**Regarding claim 12**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 1, in addition Rignell discloses wherein the method is performed at the request of a customer care center (paragraphs [0024], [0026], [0029]-lines 1-4; i.e., on request of the support location (i.e., customer care center)).

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**Regarding claim 13**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 12, in addition Rignell discloses wherein there are a plurality of mobile devices, and the customer care center performs the method for more than one mobile device substantially at the same time (paragraphs [0024], [0026], and [0030]; the support location/entity may send a message to several mobile units at the same time requesting information from the mobile units to provide the mobile units with solutions to technical problems they may have).

**Regarding claim 14**, Rignell discloses a mobile care framework comprising:

a customer care application (Fig. 2; i.e., remote support location/ facility 402);

a data store accessible by the customer care application (Fig. 4; paragraph [106]; i.e., database 407);

customer care application/(support location) means for communication between the customer care application and the data store (Fig. 4; paragraphs [0106], [0108]; i.e., means 406 is one or more specialized or general-purpose microprocessors coupled to database 407);

a device agent in a mobile device that captures device profile data and responds to commands received over-the-air from the customer care application (Fig. 4; paragraphs [0102]-[0107]; the mobile unit comprises a microprocessor (i.e. device agent) to generate support request messages (including device profile data) to communicate or interact with a remote support location/facility (i.e., customer care application), and obtain solutions from the remote location to the mobile unit problems);

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wherein the customer care application is programmed; (a) to receive the device profile data from the mobile device, use the customer care application/(support location) means to correlate the device profile data with a database of known issues and associated solutions in the data store, and forward a solution to the device agent for execution on the mobile device (paragraphs [0077]-[0085], [0101]-[0109]; the remote support location/facility receives the profile data (i.e., support message) from the mobile unit over the air, in where the message is monitored by a program that generates a solution (or support information) on the basis of the information received from the mobile unit and accessing one or more databases, subsequently the support information (i.e., solutions) generated is transmitted to the mobile unit to correct the problems; see also remarks about claim 1 above),

wherein the device profile data comprises user-specific and device-specific data (paragraphs [0038]-[0049]; the profile data contained in the support message comprises information regarding the user (i.e., user-specific data) such as hardware/physical/functional units/modules that are or have been connected, model make, etc. (paragraphs [0048]-[0049]) and information regarding the device (i.e., device-specific data) such as at least one version number of software, hardware, firmware, etc. in the communications unit (paragraphs [0044] and [0047])),

and wherein the customer care application/(support location) means is programmed identify solutions given the user-specific and device-specific data in the device profile data (p.0081-0082; p.0106; means 406 from the remote support location generates support information for the solving of the mobile unit problems (i.e., solutions) on the basis of the information comprised in the support request message received from the mobile unit).

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But, Rignell does not particularly disclose wherein the support location means is an analytics engine used for identifying the solutions for the mobile device issues.

However, in the same field of endeavor, Marran teaches a system comprising an analytics engine for identifying solutions for mobile device issues (Abstract; col. 4, line 16 – col. 5, lines 1-11; col. 7, lines 37-45; col. 8, line 29 – col. 9, lines 1-15; Marran teaches a system comprising an intelligent/expert system (i.e., analytics engine) with which digital devices (i.e., mobile devices) communicates, and is configured to processes complex inputs, discovers problems from the complex inputs, and formulates individualized solutions for discovered problems; also, the intelligent system searches the wireless digital communications network for, and retrieves, the necessary data for solving the discovered problems and directly downloads (automatically) the necessary data to the subscriber's mobile digital device over-the-air). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Rignell to introduce (at the support location) an analytics engine programmed to identify solutions for the mobile device issues, as suggested by Marran, since such a modification would automate the procedure of maintaining digital telephones up to date given that the analytics engine (i.e., expert system) automatically pushes downloads to subscriber's digital telephone when needed, keep pace with current changes and constantly search for recognized events and decides what particular mobile devices require provisioning, repairs, etc. (col. 4, lines 15-19; col. 5, lines 31-45; col. 8, lines 29-35, 52-56), as a result mobile digital devices are more efficiently managed.

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But, the combination of Rignell and Marran does not particularly disclose wherein the customer care application matches the device profile data to a customer profile, the customer profile including a profile history.

However, Lawrence teaches a customer service system for diagnosing a problem related to the use of a wireless communication device that matches device profile data to a customer profile, the customer profile including a profile history (pages 16-17; a customer service system retrieves the customer's complete record which typically contain account, service, and complaint history information, according to a subscriber number (i.e., profile information) and looks up information that leads to a resolution of the device problem). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination of Rignell and Marran to include the features of wherein the customer care application matches the device profile data to a customer profile, the customer profile including a profile history, as suggested by Lawrence, since such a modification would provide the best appropriate solution that leads to the resolution of the device problems.

Furthermore, Rignell discloses wherein the database includes updates or patches that match problem criteria of the mobile device issues (paragraphs [0081]-[0084]; the remote support location accesses a database and generates support information for the mobile device that may include patches or updated versions of current software).

Furthermore, Rignell discloses wherein the database includes updates or patches for fixing software problems in mobile devices (paragraphs [0081]-[0084]; the remote support location accesses a database and generates support information for the mobile device that may include patches or updated versions of current software).

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But, the combination of Rignell, Marran, and Lawrence does not particularly disclose wherein hardware vendors and software application developers provide the updates and patches to the database.

However, Pickover teaches a system wherein a database receives from software application developers and vendors, updates and patches to fix software problems for mobile devices (paragraphs [0026]-[0027], [0032]-[0033], [0047], [0050]-[0059]; Pickover teaches a system in which a user device (i.e., mobile device) forwards to a controller (i.e., service provider) information about detected errors in a software, and the controller uses the information to identify a patch for the error, the controller stores the patches received from one or more software manufacturers (i.e., developers) and vendors, and the vendor and manufacturers share information with the controller to ensure that the controller has up to date information regarding all the patches and fixes for the software errors). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein hardware vendors and software application developers provide the updates and patches to the database, as suggested by Pickover, since such a modification would provide the advantage that the database will have the most up to date information regarding patches and fixes made available by software developers (i.e., manufacturers) and vendors.

In addition, the combination does not particularly wherein the hardware vendors and software application developers query the database to obtain statistics on a number of mobile devices having a particular installed software.

However, Davenport teaches a system that allows vendors and software developers to obtain statistics on a number of mobile devices with a particularly installed software (paragraph

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[0014]; the invention enables manufacturers (i.e., software developers/vendors) to gain access to statistics about the usage of an application across the application's entire user population). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of allowing vendors and software developers to obtain statistics on a number of mobile devices with a particularly installed software, as suggested by Davenport, since such a modification would allow the vendors and software developers to respond to actual customer usage and improve products to better facilitate usage of the software.

**Regarding claim 16**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the mobile care framework of claim 14, in addition Rignell discloses wherein the device profile data comprises diagnostic data selected from the group consisting of make and model of the device, total and available memory, total and available storage, battery life, connection strength, connection settings, user requests, usage statistics, soft reset count, recently used applications, memory heap (paragraph [0077]; e.g., make and model number, status of the mobile unit, etc.).

**Regarding claim 19**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the mobile care framework of claim 14, in addition Rignell discloses wherein the analytics engine is programmed to select at least one solution from among available application or firmware updates, configuration settings, problem resolutions, user interface configurations (paragraphs [0081]-[0084]; the support information solving the problems of the mobile unit is generated on the basis of the information received from the mobile unit, and



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include the correct settings, updated versions of current and/or firmware modules, patches, etc., that would solve the mobile unit's problem).

**Regarding claim 20**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the mobile care framework of claim 14, in addition Rignell discloses wherein the device agent comprises an embedded application (Fig. 4; paragraphs [0102]-[0103]; is inherent to recognize that the microprocessor, i.e. device agent, have an embedded application in order to execute the process of transmitting profile data and updating the mobile unit with solutions).

**Regarding claim 22**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the mobile care framework of claim 14, in addition Rignell discloses wherein the customer care application comprises a customer service representative interface (paragraphs [0080], [0082], and [0094]; the remote location support/facility have a support team or person that the mobile unit user can contact for direct support).

**Regarding claim 23**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the mobile care frame work of claim 14, in addition Marran discloses wherein the analytics engine comprises a rule-based application (col. 8, lines 62-67; col. 9, lines 8-17). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, for the analytics engine to comprise a rule-based application, as taught by Marran, since it provides human expertise to a computer system.

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4. **Claims 6 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over RIGNELL et al. in views of MARRAN, LAWRENCE, PICKOVER et al., DAVENPORT, and ROBERTS et al. (US 6,895,387 B1).

**Regarding claim 6**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 1, but the combination does not particularly disclose further comprising, allowing hardware vendors and the software application developers to query the database and search the device profile data while preserving privacy of a subscriber of the mobile device.

However, Roberts teaches a system that allowing hardware vendors and the software application developers to query the database and search the device profile data while preserving privacy of a subscriber of the mobile device (col. 3, lines 39-45; col. 6, lines 37-60). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination to include allowing hardware vendors and the software application developers to query the database and search the device profile data while preserving privacy of a subscriber of the mobile device, as suggested by Roberts, in order to prevent unauthorized third parties to obtain user information.

**Regarding claim 18**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the mobile care framework of claim 14, but the combination does not particularly disclose wherein the hardware vendors and the software application developers query the database and search the device profile data while preserving privacy of a subscriber of the mobile device.

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However, Roberts teaches a system that allowing hardware vendors and the software application developers to query the database and search the device profile data while preserving privacy of a subscriber of the mobile device (col. 3, lines 39-45; col. 6, lines 37-60). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the combination to include allowing hardware vendors and the software application developers to query the database and search the device profile data while preserving privacy of a subscriber of the mobile device, as suggested by Roberts, in order to prevent unauthorized third parties to obtain user information.

5. **Claims 7 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over RIGNELL et al. in views of MARRAN, LAWRENCE, PICKOVER et al., DAVENPORT, and BARTLEY et al. (US 2003/0005108 A1).

**Regarding claim 7**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 1, but the combination does not particularly disclose further comprising allowing hardware vendors and the software application developers to access the database and obtain reports on stability of an application in the mobile device.

However, Bartley discloses a system wherein vendors and software application developers to obtain reports on stability of an application in the mobile device (paragraphs [0020]-[0021]; vendors have access to performance data (i.e., stability of application) of customer's devices to evaluate the data for business purposes). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include allowing hardware vendors and the software application developers to access the database and obtain reports on stability of an application in the mobile device, as

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suggested by Bartley, since such a modification would allow vendors and software developers to analyze the stability information for business purposes, such as determining whether users need additional products.

**Regarding claim 17**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the mobile care framework of claim 14, but the combination does not particularly disclose wherein hardware vendors and the software application developers access the database and obtain reports on stability of an application in the mobile device.

However, Bartley discloses a system wherein vendors and software application developers to obtain reports on stability of an application in the mobile device (paragraphs [0020]-[0021]; vendors have access to performance data (i.e., stability of application) of costumer's devices to evaluate the data for business purposes). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein hardware vendors and the software application developers access the database and obtain reports on stability of an application in the mobile device, as suggested by Bartley, since such a modification would allow vendors and software developers to analyze the stability information for business purposes such as determining if users need additional products.

6. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over RIGNELL et al. in views of MARRAN, LAWRENCE, PICKOVER et al., DAVENPORT and HOMUTH (US 2003/0195753 A1).

**Regarding claim 9**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method of claim 1, but the combination does not particularly disclose

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wherein the wherein the correlating step further comprises escalating the problem to a second level customer service support bureau.

However, Homuth teaches systems and methods for priority-based customer service wherein customer may be provided with a first and second level of customer service, a second level having a higher priority of service than the first (abstract; p.0025). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the features of escalating the problem to a second level customer service support bureau, as suggested by Homuth, since a second level customer service provides more expertise and a higher quality of service for solving customer issues.

7. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over RIGNELL et al. in views of MARRAN, LAWRENCE, PICKOVER et al., DAVENPORT, and ERIKSSON (US 2002/0178241 A1).

**Regarding claim 21**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the mobile care framework of claim 14, but the combination does not particularly disclose wherein the data store is linked to vendor and community support.

However, Eriksson teaches a management system that includes a server to store information about devices and its configurations, that when a device attempts to initiate an unknown function the server interrogates the device about settings or configuration information and if determines that the function is unknown, the sever contacts an Internet server of the manufacturer of the device (i.e. vendor) for requesting the pertinent information about the unknown function (abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination to include the features of

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linking the data store to a vendor and community support, as suggested by Eriksson, because such a modification would provide access to off-site engines or databases to obtain all the information necessary to fully assist the mobile device.

8. **Claims 27 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over RIGNELL et al. in views of MARRAN, LAWRENCE, PICKOVER et al., DAVENPORT, and SHENFIELD (US 2004/0215830 A1).

**Regarding claims 27-28**, the combination of Rignell, Marran, Lawrence, Pickover, and Davenport disclose the method and framework of claims 1 and 14, but the combination does not expressly disclose wherein the device profile data comprises XML data and the solution forwarded comprises XML data.

However, exchanging data using eXtensible Markup Language (XML) is well known in the art and Shenfield is evidence of the fact. Shenfield teaches that eXtensible Markup Language (XML) is quickly becoming the most common schemes for exchanging data between different computer systems and can be used on over-the-air applications (paragraphs [0004], [0006], and [0044]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of wherein the device profile data comprises XML data and the solution forwarded comprises XML data, as suggested by Shenfield, because eXtensible Markup Language (XML) is quickly becoming the most common schemes for exchanging data between different computer systems.

9. **Claims 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over RIGNELL et al. in views of LAWRENCE, PICKOVER et al, and DAVENPORT.

**Regarding claim 24**, Rignell discloses a mobile phone, comprising:

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a device agent that communicates over-the-air with a customer care application within a mobile care framework to provide device profile data (paragraphs [0077]-[0078], and [0102]-[0103]; the mobile unit has means for generating a support request message containing device profile data [e.g., unit settings/parameters, soft-, hard- and firmware modules, unit identification, etc.]), comprising user-specific and device-specific data (paragraphs [0038]-[0049]; the profile data contained in the support message comprises information regarding the user (i.e., user-specific data) such as hardware/physical/functional units/modules that are or have been connected, model make, etc. (paragraphs [0048]-[0049]) and information regarding the device (i.e., device-specific data) such as at least one version number of software, hardware, firmware, etc. in the communications unit (paragraphs [0044] and [0047])); and

the device agent programmed to receive and execute a solution selectively over-the-air from the customer care application (paragraphs [0080]-[0081], and [0084]-[0085]; the mobile unit receives an SMS with support information from the support location and is programmed to automatically update with some of the correct settings, updates, patches, etc. received from the support location), and further being programmed to capture the device profile data from the mobile device (paragraph [0077]-[0078], and [0102]-[0103]; the mobile unit has means, i.e., microprocessor/device agent, which inherently captures the profile data to include it in the support request message), and execute the solution on the mobile device (paragraphs [0031], [0081]-[0085], and [0093]; the mobile unit automatically updates its settings and parameters with the solution received from the remote support location; it is implied that a component in the device such as the microprocessor implements these new settings), the solution based on the user-specific and device-specific profile data (paragraphs [0081]-[0082], and [0106]; the remote

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support location generates support information for the solving of the mobile unit problems (i.e., solutions) on the basis of the information comprised in the support request message received from the mobile unit, the support request message comprises user-specific and device-specific data).

But, Rignell does not particularly disclose wherein the customer care application is enabled to match the device profile data to a customer profile.

However, Lawrence teaches a customer service system for diagnosing a problem for a mobile device that match the device profile to a customer profile (pages 16-17; a customer service system retrieves the customer's complete record which typically contain account, service, and complaint history information, according to a subscriber number (i.e., profile information) and looks up information that leads to a resolution of the device problem). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Rignell to include the features of wherein the customer care application is enabled to match the device profile data to a customer profile, as suggested by Lawrence, since such a modification would provide the best appropriate solution that leads to the resolution of the device problems.

But, the combination of Rignell and Lawrence does not particularly disclose wherein the profile data is accessible by software application developers and hardware vendor to provide fixes for bugs in software in the mobile device.

However, Pickover teaches a system in which software developers and vendors have access to profile data of devices and provide fixes for bugs in software in the devices (paragraphs [0026]-[0027], [0032]-[0033], [0047], [0050]-[0059]; Pickover teaches a system in which a user



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device (i.e., mobile device) forwards to a controller (i.e., service provider) information about detected errors in a software, and the controller uses the information to identify a patch for the error, the controller stores the patches received from one or more software manufacturers (i.e., developers) and vendors, and the vendor and manufacturers share information with the controller to ensure that the controller has up to date information regarding all the patches and fixes for the software errors). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein software developers and vendors have access to profile data of devices and provide fixes for bugs in software in the devices, as suggested by Pickover, since such a modification would provide the advantage that the devices will have the most up to date information regarding patches and fixes made available by software developers (i.e., manufacturers) and vendors.

In addition, the combination does not particularly wherein the hardware vendors and software application developers query the database to obtain statistics on a number of mobile devices having a particular installed software.

However, Davenport teaches a system that allows vendors and software developers to obtain statistics on a number of mobile devices with a particularly installed software (paragraph [0014]; the invention enables manufacturers (i.e., software developers/vendors) to gain access to statistics about the usage of an application across the application's entire user population). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of allowing vendors and software developers to obtain statistics on a number of mobile devices with a particularly installed software, as suggested by Davenport, since such a modification would allow the

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vendors and software developers to respond to actual customer usage and improve products to better facilitate usage of the software.

**Regarding claim 25**, the combination of Rignell, Lawrence, Pickover, Davenport disclose the mobile phone of claim 24, in addition Rignell discloses wherein the device agent comprises a user prompt to provide the device profile data to the customer care application and receive and execute solutions (paragraph [0076]; the mobile unit is provided with a menu item (i.e. user prompt) that the user selects to execute a test to determine if a support message should be sent and upon an affirmative response a support message request is generated).

**Regarding claim 26**, the combination of Rignell, Lawrence, Pickover, and Davenport disclose the mobile phone of claim 24, in addition Rignell discloses wherein the device agent comprises a scheduler for timing scheduled provision of the device profile data to the customer care application and receiving and executing solutions (paragraphs [0024], [0027]-[0029] and [0074]-[0076]; a support request from the mobile unit may be generated at any internal event like a timer event or status check performed at regular intervals within the mobile unit).

10. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over RIGNELL et al. in views of LAWRENCE, PICKOVER et al., DAVENPORT, and SHENFIELD.

**Regarding claims 29**, the combination of Rignell, Lawrence, Pickover, Davenport disclose the device agent of claim 24, but the combination does not expressly disclose wherein the device profile data comprises XML data and the solution forwarded comprises XML data.

However, exchanging data using eXtensible Markup Language (XML) is well known in the art and Shenfield is evidence of the fact. Shenfield teaches that eXtensible Markup Language (XML) is quickly becoming the most common schemes for exchanging data between different

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computer systems and can be used on over-the-air applications (paragraphs [0004], [0006], and [0044]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include the features of wherein the device profile data comprises XML data and the solution forwarded comprises XML data, as suggested by Shenfield, because eXtensible Markup Language (XML) is quickly becoming the most common schemes for exchanging data between different computer systems.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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